

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.) 8:09CR58
)
ERIK MARCO GARCIA-BARTOLO,) ORDER
)
 Defendant.)

This matter is before the court on the defendant's motion to continue trial (Doc. 17). Considering the information contained in the motion, trial will be continued one week, to May 19, 2009.

IT IS ORDERED that the motion (Doc. 17) is granted, as follows:

1. The jury trial now set for May 12, 2009 is continued to **Tuesday, May 19, 2009**.
2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **May 12, 2009 and May 19, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Due to defense counsel's trial schedule, counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
3. The movant shall file an affidavit or declaration regarding speedy trial, as required by NECrimR 12.1 and/or 12.3, as soon as is practicable.

DATED May 7, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge